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proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions.” Id.

Petitioner’s objection indicates that he filed a “Motion for the Appointment of Counsel and Motion under 28 U.S.C. § 2244 for [an] Order Authorizing the District Court to Consider Second or Successive Application for Relief under 28 U.S.C. § 2255 or 2254 . . . [with] the [United States Court of Appeals for] the Fourth Circuit.” (Doc. 26 at 1; see also Doc. 27 (Petitioner’s Motion for the Appointment of Counsel and the § 2244 motion that Petitioner filed with the Fourth Circuit).) On February 2, 2016, the Fourth Circuit denied both the motion for counsel and Petitioner’s request to file a second or successive application for relief under 28 U.S.C. § 2255. (Doc. 29.)¹

Against this backdrop, this court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in

¹The Fourth Circuit’s denial of Petitioner’s Motion for the Appointment of Counsel (Doc. 29) obviates any need for this court to entertain that motion. Nevertheless, to the extent Petitioner’s filing the motion for counsel in this court (Doc. 27) requires further consideration, the court denies the motion as Petitioner provides no grounds warranting such appointment in this case.

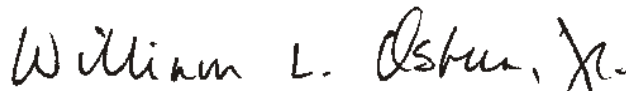
accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 24) is **ADOPTED**. **IT IS FURTHER ORDERED** that Petitioner's Letter (Doc. 23) is construed as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, and that this action be, and is hereby, dismissed for Petitioner's failure to obtain certification for his § 2255 application as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d).

IT IS FURTHER ORDERED that Petitioner's "Motion for the Appointment of Counsel" (Doc. 27) is **DENIED** as Petitioner has provided no grounds warranting such appointment.

A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 9th day of June, 2016.



United States District Judge